

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Filed: October 16, 2020

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KATHRYN N. MOORE, as parent and
legal representative of her minor daughter,
J.M.,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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UNPUBLISHED

No. 16-856V

Special Master Dorsey

Decision Based on Stipulation;
Hemophilus Influenza Type B (“Hib”);
Vaccine; Right-Thigh Cellulitis; Abscess;
Scarring.

Ramon Rodriguez, III, Sands Anderson, P.C., Richmond, VA, for petitioner.
Camille M. Collett, U.S. Department of Justice, Washington, DC, for respondent.

DECISION BASED ON STIPULATION¹

On July 21, 2016, Kathryn N. Moore (“petitioner”) filed a petition in the National Vaccine Injury Compensation Program.² Petitioner alleged that as a result of Hemophilus influenza Type B (“Hib”) vaccine administered to her minor daughter, J.M., on July 23, 2013, J.M. suffered from right thigh cellulitis, abscess, and scarring. Petition at 1-2 (ECF No. 1).

¹ Because this Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims’ website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-1 to -34 (2012) (“Vaccine Act” or “the Act”). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C. § 300aa.

On October 16, 2020, the parties filed a stipulation recommending an award of compensation to petitioner. Stipulation (ECF No. 111). Respondent finds that there is not preponderant evidence demonstrating J.M.'s right thigh cellulitis, abscess, and scarring were caused from a factor unrelated to her Hib vaccination. Id. at ¶ 5. The parties agree to the joint stipulation, attached hereto as Appendix A. The undersigned finds the stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

The parties stipulate that petitioner shall receive the following compensation:

a. A lump sum of \$35,000.00, consisting of pain and suffering, in the form of a check payable to petitioner as guardian/conservator of J.M.'s estate;

b. A lump sum of \$828.99, representing the reimbursement of a lien for vaccine injury-related services rendered on behalf of J.M., in the form of a check payable jointly to petitioner and

**Department of Health Care Services
Recovery Branch - MS 4720
P.O. Box 997421
Sacramento, CA 95899-7421**

Petitioner agrees to endorse this check to the Department of Health Care Services.

c. A lump sum of \$768.62, representing the reimbursement of a lien for vaccine injury-related services rendered on behalf of J.M., in the form of a check payable jointly to petitioner and

**Beacon Health Strategies
200 State Street, Suite 302
Boston, MA 02109
Attn: Gregg A. Rubenstein, Associate General Counsel**

Petitioner agrees to endorse this check to Beacon Health Strategies.

This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a). Stipulation at ¶ 12.

The undersigned approves the requested amount for petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

IT IS SO ORDERED.

s/Nora Beth Dorsey

Nora Beth Dorsey

Special Master